IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3735 OF 2005
IN
CRIMINAL APPEAL NO. 1326 OF 2004

Smt.Shamim Aniz Mirza Baig
@ Mrs.Paul ..Applicant

Vs.

State of Maharashtra ..Respondents

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Mr. Haji A.Panna for Sudeep Paspbola Advocate for Applicant
Mr. S.R.Shinde A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : JULY 4,2005

P.C.

1. Heard both sides.

2. By order dated 3.12.2004 the applicant was granted bail by this Court. The applicant has been convicted under M.C.O.C.Act. The applicant preferred Criminal Appeal No. 1326 of 2004 before this Court challenging the judgment and order of

conviction and sentence. The said appeal has been admitted and as stated earlier, by order dated 3.12.2004 the applicant came to be granted bail. One of the conditions imposed on the applicant while granting bail was that the applicant shall pay the fine amount. Three months time was granted to the applicant to pay the fine. Thereafter, by order dated 21.3.2005, the said time was extended for a period of eight weeks.

3. Now it is prayed that the said fine amount be suspended.

4. The learned A.P.P. has vehemently opposed this prayer. He has further stated that the Investigating Agency has moved a proposal for challenging the order of this Court dated 3.12.2004 whereby the bail came to be granted to the applicant. It is further submitted that the applicant has indulged in organised crimes and she has been convicted for the same. In such case, when the bail has been granted to the applicant on condition, the said condition ought to have been scrupulously fulfilled by the applicant. The

learned A.P.P. has submitted that in view of the above facts, the fine amount imposed on the applicant ought not to be suspended. Looking to the facts and circumstances of this case, I am not inclined to grant the prayer of the applicant to suspend the fine amount.

5. Application is rejected.

[V.K.TAHILRAMANI,J.]